

Exhibit B

ERO Custody Management Division

Population Counts from September 1, 2021 through September 30, 2021

Source: ICE Integrated Decision Support (IIDS), 10/12/2021

IIDS is a data warehouse that contains dynamic data extracts from the Enforcement Integrated Database (EID).

FY2021 data: IIDS as of 10/12/2021; EID data through 09/30/2021

Average Daily Population is calculated by the total daily population divided by the number of days in the month

Total Daily Population includes single adults and individuals in family units

ERO is currently appropriated sufficient funding for approximately 34,000 detention beds nationwide, to support its mission to enforce immigration law. ICE's access to its full inventory of bedspace is severely limited due to various court orders limiting the intake of noncitizen detainees, an increase in detention facility contract terminations, detention facility contract modifications, and the ongoing COVID-19 pandemic. Specifically, ICE's Pandemic Response Requirements (PRR) for its detention facilities, which are informed by the Centers for Disease Control and Prevention's COVID-19 guidelines, require that facilities undertake efforts to reduce populations to approximately 75% capacity. Last year, the U.S. District Court for the Central District of California issued a nationwide preliminary injunction recognizing the 75% capacity limit, and ordering ICE to maintain additional strict standards to reduce the risk of COVID-19 infection. See *Fraihat v. ICE*, 445 F.Supp.3d 709 (C.D. Cal. Apr. 20, 2020). In light of these mandates, ICE's currently available bedspace inventory is only approximately 26,800 beds

Average Daily Population for the Month of September	23,096
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Date	Total Daily Population
9/1/2021	23,859
9/2/2021	23,623
9/3/2021	23,235
9/4/2021	23,392
9/5/2021	23,420
9/6/2021	23,498
9/7/2021	23,093
9/8/2021	22,729
9/9/2021	22,462
9/10/2021	22,057
9/11/2021	22,247
9/12/2021	22,569
9/13/2021	22,628
9/14/2021	22,568
9/15/2021	22,228
9/16/2021	22,510
9/17/2021	22,326
9/18/2021	22,493
9/19/2021	22,831
9/20/2021	23,885
9/21/2021	23,872
9/22/2021	24,233
9/23/2021	24,350
9/24/2021	23,866

9/25/2021	23,835
9/26/2021	23,833
9/27/2021	23,569
9/28/2021	23,034
9/29/2021	22,656
9/30/2021	21,980

ERO LESA Statistical Tracking Unit**For Official Use Only (FOUO)/Pre-decisional****Texas v Biden (MPP) - Reporting Requirement - 10/14/2021****ICE Removals of Expedited Removals for Sept 2021**

Case AOR	Total
Atlanta	66
Baltimore	-
Boston	3
Buffalo	5
Chicago	29
Dallas	61
Denver	11
Detroit	8
El Paso	80
Houston	166
Los Angeles	10
Miami	25
New Orleans	224
New York City	3
Newark	3
Philadelphia	7
Phoenix	79
Salt Lake City	41
San Antonio	203
San Diego	57
San Francisco	5
Seattle	5
St. Paul	7
Washington	9
Total	1,107

ERO-LESA Statistical Tracking Unit**For Official Use Only (FOUO)/Pre-decisional****Texas v Biden (MPP) - Reporting Requirement - 10/14/2021**

ICE Initial Book Ins in September FY2021 with Arresting Agency of CBP	27,067
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ICE Initial Book Ins in September FY2021 with Arresting Agency of CBP with a previously occurring USBP Apprehension or CBP OFO Encounter at the Southwest Border		23,729
	10/7/2021 ICE Currently Detained	5,267
	FY2021 YTD ICE Final Release	15,511
	<i>Bonded out</i>	37
	<i>Order of Recognizance</i>	11,112
	<i>Order of supervision</i>	170
	<i>Paroled</i>	4,192
	FY2021 YTD ICE Removal	303

ERO-LESA Statistical Tracking Unit

For Official Use Only (FOUO)/Pre-decisional

Texas v Biden (MPP) - Reporting Requirement - 10/14/2021

Footnotes

FY2021 ICE Initial Book Ins data are updated through 9/30/2021 (IIDS v.1.34 run date 10/11/2021; EID as of 10/07/2021).
ICE Currently Detained National Docket data are a snapshot as of 10/07/2021 (IIDS v.1.34 run date 10/11/2021; EID as of 10/07/2021).
FY2021 ICE Final Releases data are updated through 9/30/2021 (IIDS v.1.34 run date 10/11/2021; EID as of 10/07/2021).
FY2021 ICE Removals data are updated through 9/30/2021 (IIDS v.1.34 run date 10/11/2021; EID as of 10/07/2021).

USBP Apprehensions FY14 - FY21 YTD uploaded to IIDS on 10/6/2021, with FY21 apps through 9/27/2021.

Office of Field Operations (OFO) Southwest Border Operations (SBO) Enforcement Encounters Report with Subject-level details for FY21TD through 9/27/2021.

For the purpose of this report, only the most recent status for an individual who had an ICE Initial Book Ins in August FY2021 with Arresting Agency of CBP with a previously occurring USBP Apprehension or CBP OFO Encounter at the Southwest Border is included in the summary count. I.e., Individual with multiple initial book-ins pertinent to this litigation should have the same reported status and not be included in multiple status summary counts.

Two A-Numbers appears in both official ICE Releases and ICE Removals populations. For the purpose of reporting latest status, only the ICE Release records (which reflects a final release date after the removal date) are included in the status summary counts.

The person record for 2,648 ICE Initial Book Ins pertinent to this litigation could not be matched to an ICE Current Detention, ICE Final Release or ICE Removal occurring after the ICE Initial Book In date.

ICE Initial Book Ins

ICE Detention data exclude ORR transfers/facilities, as well as U.S. Marshals Service Prisoners.

All stats are pulled based on Current Program which attributes all cases back to the Program of the processing officer of the event. However, if Current Program = OPL, XXX, ZZZ, or null, then Event Program is used.

The "CBP" Arresting Agency includes the following programs: Border Patrol, Inspections, Inspections-Air, Inspections-Land, and Inspections-Sea.

ICE Initial Book Ins are matched to USBP Apprehensions and/or OFO Encounters based on subject-level details (Civilian record) where the USBP Apprehension and/or OFO Encounter occur prior to the ICE Initial Book In date. STU cannot confirm that the ICE Initial Book In is directly related to the matched USBP Apprehension and/or OFO Encounter.

Individuals may have more than one ICE Initial Book Ins relevant to this litigation. All have been included.

ICE Detained National Docket

ICE Detention data exclude ORR transfers/facilities, as well as U.S. Marshals Service Prisoners.

ICE Initial Book Ins are matched to ICE Current Detention record based on person-level details (Person record) where the ICE Initial Book In occur prior to the ICE Current Detention date. The ICE Initial Book In may not be directly related to the matched ICE Current Detention.

ICE Final Releases

An ICE Final Release is defined as a Final Bookout that reflects one of the following release reasons: Bonded Out, Order of Recognizance, Order of Supervision, Paroled, or Prosecutorial Discretion. All Case Statuses are included.

ICE Detention data exclude ORR transfers/facilities and U.S. Marshals Service Prisoners.

ICE Initial Book Ins are matched to ICE Final Release record based on person-level details (Person record) where the ICE Initial Book In occur prior to the ICE Final Release date. The ICE Initial Book In may not be directly related to the matched ICE Final Release.

ICE Removals

ICE Removals include Returns. Returns include Voluntary Returns, Voluntary Departures and Withdrawals Under Docket Co

ICE Removals include aliens processed for Expedited Removal (ER) or Voluntary Return (VR) that are turned over to ERO for detention. Aliens processed for ER and not detained by ERO or VR after June 1st, 2013 and not detained by ERO are primarily processed by Border Patrol.

Starting in FY2009, ICE began to “lock” removal statistics at the end of each fiscal year and counted only the aliens whose removal or return was already confirmed. Aliens removed or returned in that fiscal year but not confirmed until after the end of that fiscal year were excluded from the locked data and thus from ICE statistics. To ensure an accurate and complete representation of all removals and returns, ICE will include the removals and returns confirmed after the end of that fiscal year into the next fiscal year. The number of removals in FY2009, excluding the “lag” from FY2008, was 387,790. The number of removals in FY2010, excluding the “lag” from FY2009, was 373,440. This number does not include 76,732 expedited removal cases which ICE closed on behalf of CBP in FY2010. Of those 76,732, 33,900 cases resulted from a joint CBP/ICE operation in Arizona. ICE spent \$1,155,260 on those 33,900 cases. The number of removals in FY2011, excluding the “lag” from FY2010, was 385,145. The number of removals in FY2012, excluding the “lag” from FY2011, was 402,919. The number of removals in FY2013, excluding the “lag” from FY2012, was 363,144. The number of removals in FY2014, excluding the “lag” from FY2013, was 311,111. The number of removals in FY2015, excluding the “lag” from FY2014, was 231,250. The number of removals in FY2016, excluding the “lag” from FY2015, was 235,524. The number of removals in FY2017, excluding the “lag” from FY2016, was 220,649. The number of removals in FY2018, excluding the “lag” from FY2017, was 252,405. The Number of removals in FY2019, excluding the “lag” from FY2018, was 262,591. The number of removals in FY2020, excluding the “lag” from FY2019, was 177,516.

FY Data Lag/Case Closure Lag is defined as the physical removal of an alien occurring in a given month; however, the case is not closed in EARM until a subsequent FY after the data is locked. Since the data from the previous FY is locked, the removal is recorded in the month the case was closed and reported in the next FY Removals. This will result in a higher number of recorded removals in an FY than actual departures.

All stats are pulled based on Current Program which attributes all cases back to the Program of the processing officer of the event. However, if Current Program = OPL, XXX, ZZZ, or null, then Event Program is used.

Expedited removals include cases have one of the following case categories:

[8F] Expedited Removal [8G] Expedited Removal - Credible Fear Referral, [8H] Expedited Removal - Status Claim Referral, [8K] Expedited Removal Terminated due to Credible Fear Finding / NTA Issued.

ICE Initial Book Ins are matched to ICE Removal record based on person-level details (Person record) where the ICE Initial Book In occur prior to the ICE Removal date. The ICE Initial Book In may not be directly related to the matched ICE Removal.